

Council Meeting

Agenda

Tuesday, 14 November 2023

Council Chamber - Civic Centre
and via Videoconference

Information for Councillors and the community

ACKNOWLEDGEMENT OF COUNTRY

Yarra Ranges Council acknowledges the Wurundjeri and other Kulin Nations as the Traditional Owners and Custodians of these lands. We pay our respects to all Elders, past, present, and emerging, who have been, and always will be, integral to the story of our region. We proudly share custodianship to care for Country together.



COUNCIL VISION

Whether you live here or visit, you will see how much we care for country, how inclusive and connected our communities are, and how sustainable balanced growth makes this the best place in the world.

VALUE OF HISTORY

We acknowledge that history shapes our identities, engages us as citizens, creates inclusive communities, is part of our economic well-being, teaches us to think critically and creatively, inspires leaders and is the foundation of our future generations.

COUNCILLOR COMMITMENT

We'll be truthful, represent the community's needs, be positive and responsive and always strive to do better.

OUR COUNCILLORS

Billanook Ward: Tim Heenan
Chandler Ward: David Eastham
Chirnside Ward: Richard Higgins
Lyster Ward: Johanna Skelton
Melba Ward: Sophie Todorov

O'Shannassy Ward: Jim Child
Ryrie Ward: Fiona McAllister
Streeton Ward: Andrew Fullagar
Walling Ward: Len Cox

CHIEF EXECUTIVE OFFICER & DIRECTORS

Chief Executive Officer, Tammi Rose
Director Built Environment & Infrastructure, Hjalmar Philipp
Director Communities, Jane Price

Director Corporate Services, Andrew Hilson
Director Planning and Sustainable Futures, Kath McClusky

GOVERNANCE RULES

All Council and Delegated Committee meetings are to be conducted in accordance with Council's Governance Rules, which can be viewed at: <https://www.yarraranges.vic.gov.au/Council/Corporate-documents/Policies-strategies/Governance-rules>

PUBLIC PARTICIPATION IN MEETINGS

Members of the community can participate in Council meetings in any of the following ways:

- making a verbal submission for up to 5 minutes on matters not listed on the agenda.
- submitting a question.
- speaking for up to 5 minutes to a specific item on the agenda. For planning applications and policy issues, the Chair will invite one person to speak on behalf of any objectors and one person to speak on behalf of the applicant. For other matters on the agenda, only one person will be invited to address Council, unless there are opposing views. At the discretion of the Chair, additional speakers may be invited for items of large interest.
- speaking for up to 5 minutes to a petition to be presented at a meeting.

For further information about how to participate in a Council meeting, please visit: <https://www.yarraranges.vic.gov.au/Council/Council-meetings/Submissions-questions-petitions-to-Council>

LIVE STREAMING AND RECORDING OF MEETINGS

Council meetings will be live streamed and recorded with the video recording being published on Council's website. Council will cease live streaming at the direction of the Chair or prior to any confidential items being considered.

Opinions or statements made during the course of a meeting are those of the particular individuals. Council does not necessarily endorse or support the views, opinions, standards or information contained in the live streaming or recording of meetings. While Council will use its best endeavours to ensure the live stream and Council's website are functioning, technical issues may arise which may result in Council temporarily adjourning the meeting or, if the issue cannot be resolved, adjourning the meeting to another date and time to be determined.

A person in attendance at the meeting must not operate film, photographic, tape-recording or other equipment to reproduce sound and/or images at any meeting without first obtaining the consent of the Chair.

The Minutes produced after each Council Meeting form the official record of the decisions made by Yarra Ranges Council.

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EVACUATION PROCEDURES

In the case of an emergency during a meeting held at the Civic Centre, 15 Anderson Street, Lilydale, you should follow the directions given by staff and evacuate the building using the nearest available exit. You should congregate at the assembly point at Hardy Street car park.

CONTACT US

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YARRA RANGES COUNCIL

**AGENDA FOR THE 593RD COUNCIL MEETING TO BE HELD ON TUESDAY
14 NOVEMBER 2023 COMMENCING AT 7.00PM IN COUNCIL CHAMBER, CIVIC
CENTRE, ANDERSON STREET, LILYDALE AND VIA VIDEOCONFERENCE**

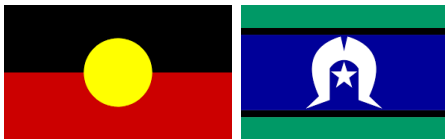
1. MEETING OPENED

2. ACKNOWLEDGEMENT OF COUNTRY

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We pay our respects to all Elders, past, present, and emerging, who have been, and always will be, integral to the story of our region.

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3. INTRODUCTION OF MEMBERS PRESENT

OUR COUNCILLORS

Billanook Ward: Tim Heenan
Chandler Ward: David Eastham
Chirnside Ward: Richard Higgins
Lyster Ward: Johanna Skelton
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Director Built Environment & Infrastructure, Hjalmar Philipp
Director Communities, Jane Price
Director Corporate Services, Andrew Hilson
Director Planning & Sustainable Futures, Kath McClusky

4. APOLOGIES AND LEAVE OF ABSENCE

There were no apologies received prior to the commencement of this meeting.

7. CONFLICTS OF INTEREST

In accordance with Chapter 7, Rule 4, of the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.

The Local Government Act 2020 defines two categories of conflict of interest:

- *a general conflict of interest, which is defined as "...a relevant person has a general conflict of interest in a matter if an impartial, fair-minded person would consider that the person's private interests could result in that person acting in a manner that is contrary to their public duty", and*
- *a material conflict of interest, which is defined as "...a relevant person has a material conflict of interest in respect of a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter. The benefit may arise or the loss incurred (a) directly or indirectly; or (b) in a pecuniary or non-pecuniary form."*

In accordance with section 130 of the Local Government Act 2020, a conflict of interest must be disclosed in the manner required by the Governance Rules and the relevant person must exclude themselves from the decision-making process.

No Conflicts of Interest have been received prior to the Agenda being printed.

TERM OF MAYOR AND DEPUTY MAYOR

Report Author: Governance Officer
 Responsible Officer: Director Corporate Services
 Ward(s) affected: (All Wards);

The author(s) of this report and the Responsible Officer consider that the report complies with the overarching governance principles and supporting principles set out in the Local Government Act 2020.

CONFIDENTIALITY

This item is to be considered at a Council meeting that is open to the public.

SUMMARY

The *Local Government Act 2020* (the Act) requires Council to determine by resolution whether the Mayor is to be elected for a one year or two year term. This must be done before the election of the Mayor takes place.

The term of office of the Mayor also applies to the election of the Deputy Mayor, whose office has been established by Council under section 20A of the Act.

This year, Council can only consider a one-year term for these appointments given the end of the term of all current Councillor positions at the date of the Local Government election scheduled in October 2024.

This report has been submitted for Council's consideration by the Chief Executive Officer in accordance with the requirements of sub-Rule 6.1 of Council's Governance Rules.

RECOMMENDATION

That, in accordance with the requirements of section 26(3) of the Local Government Act 2020, Council elect the Mayor and Deputy Mayor for a one (1) year term.

RELATED COUNCIL DECISIONS

On 8 November 2022, Council elected a Mayor and Deputy Mayor and determined both should serve a one-year term.

DISCUSSION

Purpose and Background

The purpose of this report is for Council to determine the term of office of the Mayor and Deputy Mayor, proposed as a one-year term.

Section 26(3) of the Act states:

“Before the election of the Mayor, a Council, other than the Greater Geelong City Council, must determine by resolution whether the Mayor is to be elected for a 1 year or a 2 year term”.

In accordance with section 27(2) of the Act, section 26 also applies to the election of a Deputy Mayor.

Council has traditionally elected the Mayor and Deputy Mayor for a one-year term.

Options and key issues considered

The recommendation for a one-year term has been prepared based on historical practice.

In addition, a one-year term is the only possible option given the Local Government Election scheduled for 2024. The Mayor and Deputy Mayor's positions (along with all Councillors) will become vacant at 6pm on election day, which falls on Friday 25 October 2024. In the event of an election year, the Mayoral term is shortened and ends on election day.

Following election day, the Council will operate without a complete complement of Councillors for a duration of three weeks or until a Declaration is issued. Subsequently, the Act mandates the appointment of a new Mayor no later than one month after the general election date. Council anticipates the next Mayoral election to take place no later than 10 December 2024.

Recommended option

Council to determine the term of office of the Mayor and Deputy Mayor, proposed as a one-year term.

FINANCIAL ANALYSIS

There are no financial implications arising from the recommendation in this report. Mayoral and Councillor allowances are paid in accordance with existing operating budgets.

The Victorian Independent Remuneration Tribunal sets the values of the allowances, including allowance categories, payable to Mayors, Deputy Mayors and Councillors.

The Mayor will receive an allowance of \$126,958 (per annum, pro rata, inclusive of superannuation) with an increase to occur 18 December 2023 to \$130,390 (per annum, pro rata, inclusive of superannuation). The Deputy Mayor will receive an allowance of \$63,480 (per annum, pro rata, inclusive of superannuation) with an increase to occur 18 December 2023 to \$65,195 (per annum, pro rata, inclusive of superannuation).

APPLICABLE PLANS AND POLICIES

This report contributes to the following strategic objective(s) in the Council Plan: High Performing Organisation.

RELEVANT LAW

This report has been prepared in accordance with the requirements of Section 26 of the Act.

SUSTAINABILITY IMPLICATIONS

There are no economic, social or environmental impacts associated with determining the term of the Mayor and Deputy Mayor.

COMMUNITY ENGAGEMENT

Not applicable.

COLLABORATION, INNOVATION AND CONTINUOUS IMPROVEMENT

Not applicable.

RISK ASSESSMENT

There are no risks associated with the recommendation in this report.

CONFLICTS OF INTEREST

No officers and/or delegates acting on behalf of the Council through the Instrument of Delegation and involved in the preparation and/or authorisation of this report have any general or material conflict of interest as defined within the *Local Government Act 2020*.

ATTACHMENTS TO THE REPORT

Nil

7. ELECTION OF MAYOR

In accordance with Chapter 3 Rule 6 and 8 of the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.

8. MAYORAL RESPONSE

The Mayor takes the Chair, acknowledges congratulations and addresses the meeting.

9. ELECTION OF DEPUTY MAYOR

In accordance with Chapter 3 Rule 6 and 8 of the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.

10. DEPUTY MAYORAL RESPONSE

The Deputy Mayor acknowledges congratulations and addresses the meeting.

12. QUESTIONS AND SUBMISSIONS FROM THE PUBLIC

In accordance with Chapter 3, Rules 57 and 59, of the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.

A person may make a submission to Council on matters that are not listed on the Agenda. A submission may be on any matter except if it:

- (a) is considered malicious, defamatory, indecent, abusive, offensive, irrelevant, trivial, or objectionable in language or substance;
- (b) is substantially the same as a submission made to a Council meeting in the preceding 12 months;
- (c) relates to confidential information as defined under the Act;
- (d) relates to the personal hardship of any resident or ratepayer; or
- (e) relates to any other matter which the Council considers would prejudice the Council or any person.

There were no Submissions from the Public received prior to the Agenda being printed.

22. DATE OF NEXT MEETING

The next meeting of Council is scheduled to be held on Tuesday 28 November 2023 commencing at 7.00pm, at Council Chamber, Civic Centre, Anderson Street, Lilydale and via videoconference.



In providing for the good governance of its community, Councillors are reminded of their obligation to abide by the provisions as set within the Local Government Act 2020 and the Code of Conduct for Councillors.

When attending a Council Meeting, Councillors should adhere to the procedures set out in the Governance Rules developed by Council in accordance with section 60 of the Local Government Act 2020.

The following is a guide for all Councillors to ensure they act honestly, in good faith and in the best interests of Yarra Ranges as a whole.

1. Councillors will respect the personal views of other Councillors and the decisions of Council.
2. Councillors may publicly express their own opinions on Council matters but not so as to undermine the standing of Council in the community.
3. The Mayor is the official spokesperson for Council.
4. Councillors will incur expenditure in a responsible manner and in accordance with the Councillor Expenditure and Policy.
5. Councillors will avoid conflicts of interest and will always openly disclose any direct and indirect interests where they exist.
6. Councillors will act with integrity and respect when interacting with Council staff and members of the public.
7. Councillors will demonstrate fairness in all dealings and conduct and be open with and accountable to the community at all times.
8. Councillors will conduct themselves in a manner that does not cause detriment to Council or the Yarra Ranges community.